

5. Since the entry of this Court's order, undersigned counsel have been diligently consulting with its Department of Defense colleagues about a list of those books currently under review within the Department of Defense in connection with the subject matter of this civil action. Defendants require additional time to assess whether such a list of books currently under review within the Department of Defense may be protected by privilege, and whether it wishes to advance other legal arguments against the filing of the same while that review remains ongoing. But for preplanned annual leave of undersigned counsel, Defendants would have requested only three additional days, to and including June 13, 2025, in order to finish this assessment. However, both Assistant United States Attorneys assigned to this case will be out of office on June 13, 2025, one for family commitments and the other on a prepaid trip.

6. Granting the extension will not prejudice Plaintiffs. As noted in Defendants' opposition to the motion for preliminary injunction, the DoDEA school year is drawing to a close. Dkt. No. 29 at 28-29. Additionally, Plaintiffs conceded at the hearing that the Court need not consult and review the list to rule on the motion for preliminary injunction. 6/3/2025 Hr'g Tr. at 13:11-16; 16:24-17:7

7. Counsel for Defendants have conferred with Plaintiffs' counsel regarding the requested relief and Plaintiffs have indicated that they take no position on the requested relief.

8. A proposed order is attached for the convenience of the Court.

//

Dated: June 6, 2025

Respectfully submitted,

ERIK S. SIEBERT
United States Attorney

By: /s/
MEGHAN E. LOFTUS
MATTHEW J. MEZGER
Assistant United States Attorneys
Office of the United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3757/3741
Fax: (703) 299-3983
Email: meghan.loftus@usdoj.gov
matthew.mezger@usdoj.gov

Counsel for Defendants